IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

     Michael T. Brown

Serial No.: 09/838,807

Filed: April 20, 2001

     Group Art Unit: 2135

     Examiner: Klimach, Paula

     Docket No. 10011540-1

For: **System and Method for Sharing Data**

<u>**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**</u>

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

     This Appeal Brief under 37 C.F.R. § 41.37 is submitted in support of the Notice of Appeal filed February 6, 2007, responding to the Final Office Action mailed October 11, 2006.

     It is not believed that extensions of time or fees are required to consider this Appeal Brief. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account No. 08-2025.

I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. Related Appeals and Interferences

There are no known related appeals or interferences that will affect or be affected by a decision in this Appeal.

III. Status of Claims

Claims 2, 3, 8-15, 17, 19-21, and 26 have been canceled leaving claims 1, 4-7, 16, 18, 22-25, and 27-39 remaining. Each of those claims stand finally rejected. No claims have been allowed. The final rejections of claims 1, 4-7, 16, 18, 22-25, and 27-39 are appealed.

IV. Status of Amendments

This application was originally filed on May 20, 2001, with twenty-one (21) claims. In a Response filed January 12, 2005, Applicant amended claims 1, 4-7, 9, 11, 13, 16, 18, 20, 21, canceled claims 2, 3, 8, 12, 14, 15, 17, 19, and added new claims 22-26. In a Response filed July 18, 2005, Applicant added new claims 27-34. In a

Response filed July 12, 2006, Applicant amended claims 1, 6, 16, 27, 31 and added new claims 35-39.

All of the above-identified amendments have been entered and no other amendments have been made to any of claims 1, 4-7, 16, 18, 22-25, and 27-39. The claims in the attached Claims Appendix (see below) reflect the present state of those claims.

V. <u>Summary of Claimed Subject Matter</u>

The claimed inventions are summarized below with reference numerals and references to the written description ("specification") and drawings. The subject matter described in the following appears in the original disclosure at least where indicated, and may further appear in other places within the original disclosure.

Independent claim 1 describes a method for sharing user information. The method comprises receiving with a network service an identification of a level of access to user information that is to be extended to a web site host, the identification being received from a user computer via a network. *Applicant's specification*, page 17, line 8 to page 18, line 9; Figure 7, item 702. The method of claim 1 further comprises assigning with the network service a user code that is pertinent to the identified level of access. *Applicant's specification*, page 18, lines 9-10; Figure 7, item 704. The method of claim 1 further comprises sending the assigned user code from the network service to the user computer via a network to enable the user to provide the user code to the web site host when the user visits a web site maintained by the web site host. *Applicant's specification*, page 18, lines 9-19; Figure 7, item 704. The method of claim 1 further

comprises receiving from the web site host via a network with the network service a request for information concerning the user and the user code that was provided to the web site host. *Applicant's specification*, page 19, lines 6-8; page 15, lines 7-10; Figure 5, item 500; Figure 7, item 708. The method of claim 1 further comprises determining with the network service a level of access for which the web site host is authorized from the user code received from the web site host. *Applicant's specification*, page 19, lines 8-10; page 15, lines 14-17; Figure 5, item 508; Figure 7, item 710. The method of claim 1 further comprises transmitting from the network service to the web site host via a network user information that pertains to the user code. *Applicant's specification*, page 19, lines 8-10; page 15, lines 19-21; Figure 5, item 510; Figure 7, item 710.

Independent claim 16 describes a system associated with a network service for sharing user information. The system of claim 16 comprises means for assigning a user code that is pertinent to a level of access selected by a user that is to be extended to a web site host. *Applicant's specification*, page 18, lines 9-10; Figure 7, item 704. The system of claim 16 further comprises means for sending the user code from the network service to a user computer via a network to enable the user to provide the user code to the web site host when the user visits a web site maintained by the web site host. *Applicant's specification*, page 18, lines 9-19; Figure 7, item 704. The system of claim 16 further comprises means for receiving from the web site host via a network the user code provided to the web site host by the user computer. *Applicant's specification*, page 19, lines 6-8; page 15, lines 7-10; Figure 5, item 500; Figure 7, item 708. The system of claim 16 further comprises means for determining a level of access for which the web site host is authorized from the user code received from the web site host.

Applicant's specification, page 19, lines 8-10; page 15, lines 14-17; Figure 5, item 508; Figure 7, item 710. The system of claim 16 further comprises means for transmitting from the network service to the web site host via a network user information that pertains to the user code. *Applicant's specification*, page 19, lines 8-10; page 15, lines 19-21; Figure 5, item 510; Figure 7, item 710.

Independent claim 27 describes a method for sharing user information. The method comprises receiving with an e-service various user information sent to the e-service from a user computer via a network, the user information to be distributed to web site hosts visited by the user and being separated into sets each associated with a given levels of access to user information. *Applicant's specification*, page 14, lines 12-14; Figure 4, item 404. The method of claim 27 further comprises assigning with the e-service a user code to each level of access and therefore each information set. The method of claim 27 further comprises receiving from the user computer with the e-service via a network selection of a level of access that is to be granted to web sites visited by the user. *Applicant's specification*, page 17, line 8 to page 18, line 9; Figure 7, item 702. The method of claim 27 further comprises sending to the user computer from the e-service via a network a user code associated with the selected level of access. *Applicant's specification*, page 18, lines 9-19; Figure 7, item 704. The method of claim 27 further comprises receiving from a web site host with the e-service a user code that was provided to the web site host by the user. *Applicant's specification*, page 19, lines 6-8; page 15, lines 7-10; Figure 5, item 500; Figure 7, item 708. The method of claim 27 further comprises determining with the e-service a level of access for which the web site host is authorized from the user code received from the web site host.

Applicant's specification, page 19, lines 8-10; page 15, lines 14-17; Figure 5, item 508; Figure 7, item 710. The method of claim 27 further comprises transmitting from the e-service to the web site host user information that pertains to the user code received from the web site host. *Applicant's specification*, page 19, lines 8-10; page 15, lines 19-21; Figure 5, item 510; Figure 7, item 710.

Independent claim 31 describes a system for sharing user information. The system comprises means for receiving with an e-service various user information sent to the e-service with a user computer via a network, the user information to be distributed to web site hosts visited by the user and being separated into sets each associated with a given levels of access to user information. *Applicant's specification*, page 14, lines 12-14; Figure 4, item 404. The system of claim 31 further comprises means for assigning with the e-service a user code to each level of access and therefore each information set. *Applicant's specification*, page 17, line 8 to page 18, line 9; Figure 7, item 702. The system of claim 31 further comprises means for receiving from the user computer with the e-service via a network selection of a level of access that is to be granted to all web sites visited by the user. *Applicant's specification*, page 17, line 8 to page 18, line 9; Figure 7, item 702. The system of claim 31 further comprises means for sending to the user computer from the e-service via a network a user code associated with the selected level of access. *Applicant's specification*, page 18, lines 9-19; Figure 7, item 704. The system of claim 31 further comprises means for receiving from a web site host with the e-service a user code that was provided to the web site host by the user. *Applicant's specification*, page 19, lines 6-8; page 15, lines 7-10; Figure 5, item 500; Figure 7, item 708. The system of claim 31 further comprises

means for determining with the e-service a level of access for which the web site host is authorized from the user code received from the web site host. *Applicant's specification*, page 19, lines 8-10; page 15, lines 14-17; Figure 5, item 508; Figure 7, item 710. The system of claim 31 further comprises means for transmitting from the e-service to the web site host user information that pertains to the user code received from the web site host. *Applicant's specification*, page 19, lines 8-10; page 15, lines 19-21; Figure 5, item 510; Figure 7, item 710.

Independent claim 35 describes a method comprising a user sending various user information from a user computer to an online service via the Internet, wherein the user information comprises information that the user may wish to share with hosts of web sites that the user will visit. *Applicant's specification*, page 14, lines 12-14; Figure 4, item 404. The system of claim 35 further comprises the online service storing the user information received from the user computer. *Applicant's specification*, page 14, lines 16-17; Figure 4, item 406. The system of claim 35 further comprises the online service assigning a user code to a first portion of the user information. *Applicant's specification*, page 18, line 9 to page 19, line 4; Figure 7, item 704. The system of claim 35 further comprises the online service sending the user code to the user computer via the Internet to enable the user to provide the user code to the web site hosts. *Applicant's specification*, page 18, line 9 to page 19, line 4; Figure 7, item 704. The system of claim 35 further comprises the user providing the user code to a first web site host upon visiting a web site hosted by the first web site host. Applicant's specification, page 16, lines 1-4; Figure 6, item 600. The system of claim 35 further comprises the first web site host sending the user code received from the user to the online service.

Applicant's specification, page 19, lines 6-8; page 15, lines 7-10; Figure 5, item 500; Figure 7, item 708. The system of claim 35 further comprises the online service determining a level of access for which the first web site host is authorized from the user code. *Applicant's specification*, page 19, lines 8-10; page 15, lines 14-17; Figure 5, item 508; Figure 7, item 710. The system of claim 35 further comprises the online service sending to the first web site host user information that pertains to the user code. *Applicant's specification*, page 19, lines 8-10; page 15, lines 19-21; Figure 5, item 510; Figure 7, item 710.

VI. **Grounds of Rejection to be Reviewed on Appeal**

The following grounds of rejection are to be reviewed on appeal:

1.   Claims 1, 7, 16, 25 27, 28, 31, 32, and 35-39 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rowland, et al.* ("Rowland," U.S. Pat. No. 5,848,412) in view of *Hind, et al.* ("Hind," U.S. Pat No. 6,941,459) in view of the book "Network and Internetwork Security," by Stallings ("Stallings").

2.   Claim 4 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rowland* in view of *Hind* and *Stallings* as applied to claim 1, and further in view of the book "Applied Cryptography," by Schneier ("Schneier").

3.   Claims 29 and 33 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rowland* in view of *Hind* and *Stallings* as in claims 1, 16, 27, and 31 and further in view of *Davis, et al.* ("Davis," U.S. Pat. No. 6,367,009).

VII. <u>Arguments</u>

The Appellant respectfully submits that Applicant's claims are neither indefinite nor obvious, and respectfully requests that the Board of Patent Appeals overturn the final rejections of those claims at least for the reasons discussed below.

A.   Claim Objections

In the Advisory Action, the Examiner alleges that claim 25 is indefinite.   In particular, the Examiner states that "claim 25 is objected to because the term 'deeper level of access' is a relative term which renders the claim indefinite."   Applicant respectfully traverses.

Applicant notes that the Court of Appeals for the Federal Circuit (the "Federal Circuit") has held on multiple occasions that relative terms are not *per se* improper.   For instance, in *Andrew Corp. v. Gabriel Electronics, Inc.*, 847 F.2d 819, 6 USPQ2d 2010 (Fed. Cir. 1988), *cert. denied*, 488 U.S. 927 (1988), the Court commented that such words are "ubiquitous in patent claims.   Such usages, when serving reasonably to describe the claimed subject-matter to those of skill in the field of the invention, and to distinguish the claimed subject matter from the prior art, have been accepted in patent examination and upheld by the courts."   *Id.*, 847 F.2d at 821, 6 USPQ2d at 2012. Instead of disregarding relative terms, such terms should be interpreted in light of the specification to determine the literal coverage of the claim.   *See Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988), *cert. denied*, 488 U.S. 825 (1988).

Further support for the proposition that relative terms are not by definition indefinite may be found in the following cases: *Seattle Box Co., Inc. v. Industrial Crating & Packaging, Inc.*, 756 F.2d 1574 (Fed. Cir. 1985)(held that words of degree in the claims were not indefinite because the specification provided an indication as to how to measure that degree); *Rosemont, Inc. v. Beckman Instruments, Inc.*, 727 F.2d 1540 (Fed. Cir. 1984)(held that relative terminology was not indefinite even though the terminology was not precisely defined in the specification); *U.S. v. Telectronics*, 857 F.2d 778 (Fed. Cir. 1988)(held that relative terminology was not indefinite because the Patent Act only requires "reasonable precision" in delineating the bounds of the claimed invention); *Modine Mfg. Co. v. U.S. Int'l Trade Comm'n*, 75 F.3d 1545, (Fed. Cir. 1996)(held that qualitative terms without numerical limits were not indefinite); *Ecolab v. Envirochem, Inc.*, 264 F.3d 1358 (Fed. Cir. 2001)(stated that it is common to use relative terms to avoid a strict numerical boundary and that relative terms must construed using the same rules of construction as any other claim term).

That relative terms are not *per se* improper is also supported by the Manual of Patent Examining Procedure (MPEP) in relation to 35 U.S.C. § 112, second paragraph. As provided in MPEP § 2173.05(b) entitled "Relative Terminology," the MPEP states:

> The fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 U.S.C. 112, second paragraph. *Seattle Box Co., v. Industrial Crating and Packing, Inc.*, 731 F.2d 818, 221 USPQ 568 (Fed. Cir. 1984). Acceptability of the claim language depends upon whether one of ordinary skill in the art would understand what is claimed, in light of the specification.

In the present case, the term "deeper level of access" would be clear to persons having ordinary skill in the art, particularly in view of the discussion of the various levels of information that can be shared with a web site contained in Applicant's specification. Therefore, Applicant respectfully submits that the objection should be overturned.

B.   Claim Rejections - 35 U.S.C. § 103(a)

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure.

In the present case, the prior art does not teach or suggest all of the claim limitations, and there is no suggestion or motivation in the prior art to modify the references to include those limitations.

1. Rejection of Claims 1, 7, 16, 25 27, 28, 31, 32, and 35-39

Claims 1, 7, 16, 25 27, 28, 31, 32, and 35-39 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rowland, et al.* ("Rowland," U.S. Pat. No. 5,848,412) in view of *Hind, et al.* ("Hind," U.S. Pat No. 6,941,459)) in view of the book "Network and Internetwork Security," by Stallings ("*Stallings*"). Applicant respectfully traverses.

(a) The Rowland Disclosure

Rowland discloses a method and apparatus for providing user identification and transaction information to web sites. *Rowland*, column 1, lines 3-6.

In Rowland's disclosed method, a user first attempts to access a web site. *Rowland*, column 6, lines 8-11. In response, the web site returns to the user's computer the site name and a request for user information. *Rowland*, column 6, lines 12-15. An applet on the user's computer then determines whether an entry exists for the website name. *Rowland*, column 6, lines 18-22. If no entry exists, the applet requests of and receives from the user a limit level reflecting the level of information that is to be provided to the web site. *Rowland*, column 6, lines 22-35. After the limit level is received, or if an entry already exists, the applet responds to the web site with information fields that pertain to the limit level associated with the particular web site. *Rowland*, column 6, lines 52-55.

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From the above, it can be appreciated that Rowland describes a system and method in which two entities communicate with each other: a user computer and a web site computer. Rowland does not speak of any other entities being used.

(b)   The Hind Disclosure

Hind discloses a method and system for selectively encrypting elements of a document. *Hind*, Abstract. Given that Applicant's claims are not directed to encryption systems or methods the relevance of the Hind reference is questionable.

(c)   The Stallings Disclosure

Pages 135-136, which were relied upon by the Examiner, describe encryption methods. Given that Applicant's claims are not directed to encryption systems or methods the relevance of the Stallings reference is questionable.

(d)   Applicant's Claims

Applicant claims systems and method for sharing user information. Applicant discusses several of those claims in the following.

(i) Claims 1, 7, and 25

Independent claim 1 provides as follows:

> 1.   A method for sharing user information, the method comprising:
>
> receiving with a network service an identification of a level of access to user information that is to be extended to a web site host, the identification being received from a user computer via a network;
>
> assigning with the network service a user code that is pertinent to the identified level of access;
>
> sending the assigned user code from the network service to the user computer via a network to enable the user to provide the user code to the web site host when the user visits a web site maintained by the web site host;
>
> receiving from the web site host via a network with the network service a request for information concerning the user and the user code that was provided to the web site host;
>
> determining with the network service a level of access for which the web site host is authorized from the user code received from the web site host; and
>
> transmitting from the network service to the web site host via a network user information that pertains to the user code.

In the Office Action, the Examiner appears to argue that Rowland teaches each of the various actions of independent claim 1, except for "sending the assigned user code from the network service to the user computer via a network to enable the user to provide the user code to the web site host when the user visits a web site maintained by the web site host". Applicant disagrees that Rowland teaches those other actions.

First, Rowland does not teach or suggest "receiving with a network service an identification of a level of access to user information that is to be extended to a web site host, the identification being received from a user computer via a network". Applicant notes that the Examiner does not even address Applicant's actual limitation, but instead states that Rowland teaches "receiving from a user an identification of a level of access that is to be extended to a web site host". Therefore, the Examiner ignores the explicit recitations regarding receiving the identification "with a network service". As described above, Rowland does not teach or suggest a separate "network service" that assists in the information sharing process. Therefore, Rowland does not teach or suggest a "network service" that receives any identification from a user as to what information to share with a web site host. Furthermore, Rowland's web site host does not receive "an identification of a level of access". Instead, Rowland's applet provides the web site host with the actual desired information (i.e., the "information fields), not a mere "identification" of an access level. *See Rowland*, column 6, lines 64-67.

Second, Rowland does not teach or suggest "assigning with the network service a user code that is pertinent to the identified level of access". Again, Roland does not disclose a "network service" that is used to facilitate information sharing as in Applicant's system. It logically follows then that Rolland fails to disclose such a network service "assigning" a "user code". Furthermore, Rolland says nothing about a "user code" that is assigned to an identified level of access. Applicant notes that Figure 6 of the Rolland reference, which was relied upon in the final Office Action, does *not* teach or suggest the action of a network service or other entity "assigning a user code" that is pertinent to a level of access. Instead, Figure 6 simply comprises a table that

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associates web sites with access levels. No "codes" are identified and nothing in the figure indicates anything about "assigning" such a code.

Third, Rowland does not teach or suggest "receiving from the web site host via a network with the network service a request for information concerning the user and the user code that was provided to the web site host". Specifically, Rowland does not contemplate a web site providing a "user code" to the above-mentioned "network service". Again, Rowland fails to disclose a network service separate from the web site host. Furthermore, Rowland's web site host only provides a request for information to the user computer. Therefore, no "user code" is sent by the web site host. Regarding column 6, lines 24-32 of the Rowland reference, which is relied upon in the final Office Action, Rowland only describes the web site sending the "web site name" and a "request for information". *See Rowland*, column 6, lines 26-29.

Third, Rowland does not teach or suggest "determining with the network service a level of access for which the web site host is authorized from the user code received from the web site host". Regarding that limitation, Rowland fails to contemplate a "network service" or a "user code" that is "received from" a web site host for reasons described above. Moreover, the level of access is determined on the user computer in relation to selections manually input by the user, not any received codes. *See Rowland*, column 6, lines 43-49.

Fourth, Rowland does not teach or suggest "transmitting from the network service to the web site host via a network user information that pertains to the user code". Once again, Applicant reiterates that Rowland does not disclose a separate "network service" as claimed by Applicant. Therefore, Rowland does not disclose such

a network service that transmits user information to the web site host. Instead, such information is provided directly from the user computer in the Rowland system. *See Rowland*, column 6, lines 64-67.

In view of the above, and further in view of the fact that the other cited references do not remedy the deficiencies of the Rowland reference, Applicant respectfully submits that the rejection of claim 1 and its dependents should be overturned.

With further regard to claim 1, the Examiner acknowledges that Rowland does not teach or suggest "sending the assigned user code from the network service to the user computer via a network to enable the user to provide the user code to the web site host when the user visits a web site maintained by the web site host". For that limitation, the Examiner relies upon the Hind reference. Regarding column 28 of the Hind, which was relied upon in the final Office Action, Applicant notes that Hind's teachings on encryption methods have nothing to do with the personal information exchange described by Rowland or claimed by Applicant. As such, Applicant submits that (i) Hind does not provide the missing teaching, and (ii) there is no legitimate motivation to modify Rowland's system with the teachings of the Hind reference.

In view of the above, Applicant respectfully submits that claim 1 and its dependents are allowable over the cited references. Applicant therefore respectfully requests that the rejections against those claims be overturned.

(ii)   Claim 16

Independent claim 16 provides as follows:

> 16.   A system associated with a network service for sharing user information, the system comprising:
>
> means for assigning a user code that is pertinent to a level of access selected by a user that is to be extended to a web site host;
>
> means for sending the user code from the network service to a user computer via a network to enable the user to provide the user code to the web site host when the user visits a web site maintained by the web site host;
>
> means for receiving from the web site host via a network the user code provided to the web site host by the user computer;
>
> means for determining a level of access for which the web site host is authorized from the user code received from the web site host; and
>
> means for transmitting from the network service to the web site host via a network user information that pertains to the user code.

Regarding independent claim 16, Rowland and the other references do not teach or suggest "means for assigning a user code that is pertinent to a level of access selected by a user that is to be extended to a web site host", "means for receiving from the web site host via a network the user code provided to the web site host by the user computer", "means for determining a level of access for which the web site host is authorized from the user code received from the web site host", or "means for transmitting from the network service to the web site host via a network user information that pertains to the user code" for reasons described above. Applicant therefore

respectfully submits that claim 16 is allowable over the cited references and respectfully requests that the rejection against claim 16 be overturned.

(iii)   Claims 27, 28, 31, and 32

Independent claim 27 provides as follows:

> 27.   A method for sharing user information, the method comprising:
>
> receiving with an e-service various user information sent to the e-service from a user computer via a network, the user information to be distributed to web site hosts visited by the user and being separated into sets each associated with a given levels of access to user information;
>
> assigning with the e-service a user code to each level of access and therefore each information set;
>
> receiving from the user computer with the e-service via a network selection of a level of access that is to be granted to web sites visited by the user;
>
> sending to the user computer from the e-service via a network a user code associated with the selected level of access;
>
> receiving from a web site host with the e-service a user code that was provided to the web site host by the user;
>
> determining with the e-service a level of access for which the web site host is authorized from the user code received from the web site host; and
>
> transmitting from the e-service to the web site host user information that pertains to the user code received from the web site host.

Regarding independent claim 27, Rowland and the other references do not teach or suggest "receiving with an e-service various user information sent to the e-service from

a user computer via a network, the user information to be distributed to web site hosts visited by the user and being separated into sets each associated with a given levels of access to user information." As noted above, the Rowland reference, which was relied upon in relation to "receiving with an e-service" limitation, neither teaches nor suggests a separate service that receives user information to be distributed to web site hosts. Again, the "receiving" of user information in Rowland's system is only performed by the web site host itself. *See Rowland*, column 6, lines 64-67.

Rowland and the other references further do not teach or suggest "assigning with the e-service a user code to each level of access and therefore each information set". Again, the Rowland reference, which was relied upon in relation to the "assigning" limitation, fails to teach or suggest a service separate from the web site host. Furthermore, Rowland is silent as to a "user code" being "assigned". Regarding the Examiner's identification of block 711 of Rowland's Figure 7, that block merely states "request user to assign access level dynamically (option to save)" and column 6, lines 11-18 merely describes a website database.

Rowland and the other references further do not teach or suggest "receiving from the user computer with the e-service via a network selection of a level of access that is to be granted to web sites visited by the user". Again, the Rowland reference, upon which the Examiner relies, describes no service separate from a web site host that receives selection of a level of access. Indeed, in Rowland's system, the level of access is only selected on the user computer. *See Rowland*, column 6, lines 43-46. No "service" accessible "via a network" is involved.

Rowland and the other references further do not teach or suggest "sending to the user computer from the e-service via a network a user code associated with the selected level of access".   Regarding column 28 of the Hind reference, which was relied upon in the final Office Action, Applicant notes that Hind's teachings on encryption methods have nothing to do with the personal information exchange described by Rowland or claimed by Applicant. As such, Applicant submits that (i) Hind does not provide the missing teaching, and (ii) there is no legitimate motivation to modify Rowland's system with the teachings of the Hind reference.

Rowland and the other references further do not teach or suggest "receiving from a web site host with the e-service a user code that was provided to the web site host by the user".   As described above, the Rowland reference, which was relied upon by the Examiner, only describes two entities: a user computer and a web site computer. Rowland does not speak of any other entities, such as an "e-service" being used.   It therefore follows that Rowland's web site host does not a code that was received from a user to an e-service.   Furthermore, Rowland says nothing about a "user code" that is "received from" the web site host.

Rowland and the other references further do not teach or suggest "determining with the e-service a level of access for which the web site host is authorized from the user code received from the web site host."   Regarding that limitation, Rowland fails to contemplate an "e-service" or a "user code" that is "received from" a web site host for reasons described above.

Finally, Rowland and the other references further do not teach or suggest "transmitting from the e-service to the web site host user information that pertains to the

user code received from the web site host". Once again, Applicant reiterates that Rowland does not disclose an e-service as claimed by Applicant. Therefore, Rowland does not disclose such a service that transmits user information to the web site host. Instead, such information is provided by the user computer in the Rowland system. *See Rowland*, column 6, lines 54-67.

Regarding dependent claim 28, none of the references teach or suggest a "user code" is "automatically provided to the web site host". Regarding that limitation, Applicant notes that the Examiner admits that Rowland does not teach or suggest such "automatic provision" but fails to identify another prior art teaching or suggestion. Therefore, the Examiner has failed to state a *prima facie* case of obviousness in relation to claim 28.

Regarding independent claim 31, none of the references teach or suggest "means for" performing the various functions described above in relation to claim 27 for at least the reasons described above in relation to claim 27.

Regarding dependent claim 32, none of the reference teach or suggest a "user code" that is "automatically provided to the web site host". Regarding that limitation, Applicant notes that the Examiner admits that Rowland does not teach or suggest such "automatic provision" but fails to identify another prior art teaching or suggestion. Therefore, the Examiner has failed to state a *prima facie* case of obviousness in relation to claim 32.

In view of the foregoing, Applicant respectfully submits that claims 27 and 31, and their dependents, are allowable over the cited references. Applicant therefore respectfully requests that the rejections against those claims be overturned.

(v)   Claims 35-39

Independent claim 35 provides as follows (emphasis added):

35.   A method comprising:

a user sending various user information from a user computer to an online service via the Internet, wherein the user information comprises information that the user may wish to share with hosts of web sites that the user will visit;

the online service storing the user information received from the user computer;

the online service assigning a user code to a first portion of the user information;

the online service sending the user code to the user computer via the Internet to enable the user to provide the user code to the web site hosts;

the user providing the user code to a first web site host upon visiting a web site hosted by the first web site host;

the first web site host sending the user code received from the user to the online service;

the online service determining a level of access for which the first web site host is authorized from the user code; and

the online service sending to the first web site host user information that pertains to the user code.

Regarding claim 35, the references fail to teach or suggest "a user sending various user information from a user computer to an online service via the Internet, wherein the user information comprises information that the user may wish to share with hosts of web sites that the user will visit", "the online service storing the user information

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received from the user computer", "the online service assigning a user code to a first portion of the user information", "the online service sending the user code to the user computer via the Internet to enable the user to provide the user code to the web site hosts", the user providing the user code to a first web site host upon visiting a web site hosted by the first web site host", "the first web site host sending the user code received from the user to the online service", "the online service determining a level of access for which the first web site host is authorized from the user code", or "the online service sending to the first web site host user information that pertains to the user code" for reasons described in the foregoing. Applicant therefore respectfully submits that claim 35 and its dependents are allowable over the cited references. Applicant therefore respectfully requests that the rejections against those claims be overturned.

Regarding dependent claim 36, none of the references teach or suggest a "user code" is "automatically provided" to a web site host. Applicant further notes that the Examiner does not even address the actual limitations of claim 36. Instead, the Examiner only discusses "comparing" user codes. Therefore, the Examiner has failed to state a *prima facie* case of obviousness in relation to claim 36.

Regarding dependent claim 37, none of the references teach or suggest a "user code is automatically appended to a uniform resource locator (URL) of the web site". Applicant further notes that the Examiner does not even address the actual limitations of claim 37. Instead, the Examiner only discusses "assigning" first and second user codes. Therefore, the Examiner has failed to state a *prima facie* case of obviousness in relation to claim 37.

Regarding dependent claim 38, none of the references teach or suggest "the user manually providing the user code" to a web site host. Applicant further notes that the Examiner does not even address the actual limitations of claim 38. Instead, the Examiner only discusses "transmitting" user profile information. <u>Therefore, the Examiner has failed to state a *prima facie* case of obviousness in relation to claim 38</u>.

Regarding dependent claim 39, the Examiner does not even address the six (6) separate limitations of claim 39. Instead, the Examiner only discusses "receiving selection" of disclosure modes. <u>Therefore, the Examiner has failed to state a *prima facie* case of obviousness in relation to claim 39</u>.

B.   Rejection of Claim 4

Claim 4 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rowland* in view of *Hind* and *Stallings* as applied to claim 1, and further in view of the book "Applied Cryptography," by Schneier ("Schneier"). Applicant respectfully traverses.

As is identified above, the Rowland/Hind/Stallings combination does not teach or suggest several aspects of Applicant's claims. In that Schneier does not remedy the deficiencies of the Rowland/Hind/Stallings combination, Applicant respectfully submits that claim 4 is allowable over the Rowland/Hind/Stallings/Schneier combination for at least the same reasons that claim 1 is allowable over Rowland/Hind/Stallings.

C.   Rejection of Claims 29 and 33

Claims 29 and 33 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rowland* in view of *Hind* and *Stallings* as in claims 1, 16, 27, and 31

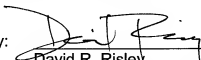and further in view of *Davis, et al.* ("Davis," U.S. Pat. No. 6,367,009). Applicant respectfully traverses.

As is identified above, the Rowland/Hind/Stallings combination does not teach or suggest several aspects of Applicant's claims. In that Henrick does not remedy the deficiencies of the Rowland/Hind/Stallings combination, Applicant respectfully submits that claims 29, 30, 33, and 34 are allowable over the Rowland/Hind/Stallings/Henrick combination for at least the same reasons that claims 27 and 31 are allowable over Rowland/Hind/Stallings.

VIII. <u>Conclusion</u>

In summary, it is Applicant's position that Applicant's claims are patentable over the applied prior art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicant's pending claims.

Respectfully submitted,

By: _____
David R. Risley
Registration No. 39,345

<u>**Claims Appendix under 37 C.F.R. § 41.37(c)(1)(viii)**</u>

The following are the claims that are involved in this Appeal.

1.   A method for sharing user information, the method comprising:

receiving with a network service an identification of a level of access to user information that is to be extended to a web site host, the identification being received from a user computer via a network;

assigning with the network service a user code that is pertinent to the identified level of access;

sending the assigned user code from the network service to the user computer via a network to enable the user to provide the user code to the web site host when the user visits a web site maintained by the web site host;

receiving from the web site host via a network with the network service a request for information concerning the user and the user code that was provided to the web site host;

determining with the network service a level of access for which the web site host is authorized from the user code received from the web site host; and

transmitting from the network service to the web site host via a network user information that pertains to the user code.

2-3.   (Canceled)

4.   The method of claim 1, wherein the user code comprises a transient key.

5.   The method of claim 1, wherein determining the level of access comprises comparing the user code provided by the web site host with a user code assigned to the user and relevant to a particular user information set.

6.   The method of claim 1, wherein transmitting user information comprises transmitting user information from a centralized repository associated with the network service which stores user information for a plurality of users.

7.   The method of claim 1, wherein transmitting user information comprises transmitting user profile information while withholding personal information about the user.

8-15. (Canceled)

16. A system associated with a network service for sharing user information, the system comprising:

means for assigning a user code that is pertinent to a level of access selected by a user that is to be extended to a web site host;

means for sending the user code from the network service to a user computer via a network to enable the user to provide the user code to the web site host when the user visits a web site maintained by the web site host;

means for receiving from the web site host via a network the user code provided to the web site host by the user computer;

means for determining a level of access for which the web site host is authorized from the user code received from the web site host; and

means for transmitting from the network service to the web site host via a network user information that pertains to the user code.

17. (Canceled)

18. The system of claim 16, wherein the means for determining the level of access comprises means for comparing the user code provided by the web site host with a user code assigned to the user and relevant to a particular user information set.

19-21. (Canceled)

22.   The method of claim 1, wherein receiving an identification of a level of access comprises receiving selection of one of an anonymous mode in which only profile information and no personal information is provided, and a full disclosure mode in which profile information and personal information is provided.

23.   The method of claim 22, wherein receiving an identification of a level of access further comprises receiving user selection of a category of information to share.

24.   The method of claim 23, wherein receiving user selection of a category comprises receiving user selection of at least one of a personal category, a business category, and a financial category.

25.   The method of claim 1, wherein assigning a user code comprises assigning a first code pertinent to an initial level of access to be provided to the web site host and a second code pertinent to a deeper level of access that can be manually provided by the user if desired.

26.   (Canceled)

27.   A method for sharing user information, the method comprising:

receiving with an e-service various user information sent to the e-service from a user computer via a network, the user information to be distributed to web site hosts visited by the user and being separated into sets each associated with a given levels of access to user information;

assigning with the e-service a user code to each level of access and therefore each information set;

receiving from the user computer with the e-service via a network selection of a level of access that is to be granted to web sites visited by the user;

sending to the user computer from the e-service via a network a user code associated with the selected level of access;

receiving from a web site host with the e-service a user code that was provided to the web site host by the user;

determining with the e-service a level of access for which the web site host is authorized from the user code received from the web site host; and

transmitting from the e-service to the web site host user information that pertains to the user code received from the web site host.

28.   The method of claim 27, wherein the user code was automatically provided to the web site host upon the user first visiting a web site hosted by the web site host.

29.   The method of claim 28, wherein the user code was automatically appended to a uniform resource locator (URL) of the web site.

30.   The method of claim 27, further comprising the web site host generating a personalized web site for the user based upon the user information that is transmitted to the web site host from the e-service.

31.   A system for sharing user information, comprising:

means for receiving with an e-service various user information sent to the e-service with a user computer via a network, the user information to be distributed to web site hosts visited by the user and being separated into sets each associated with a given levels of access to user information;

means for assigning with the e-service a user code to each level of access and therefore each information set;

means for receiving from the user computer with the e-service via a network selection of a level of access that is to be granted to all web sites visited by the user;

means for sending to the user computer from the e-service via a network a user code associated with the selected level of access;

means for receiving from a web site host with the e-service a user code that was provided to the web site host by the user;

means for determining with the e-service a level of access for which the web site host is authorized from the user code received from the web site host; and

means for transmitting from the e-service to the web site host user information that pertains to the user code received from the web site host.

32.   The system of claim 31, wherein the user code was automatically provided to the web site host upon the user first visiting a web site hosted by the web site host.

33.   The system of claim 32, wherein the user code was automatically appended to a uniform resource locator (URL) of the web site.

34.   The system of claim 31, further comprising means provided by the web site host for generating a personalized web site for the user based upon the user information that is transmitted to the web site host from the e-service.

35.   A method comprising:

a user sending various user information from a user computer to an online service via the Internet, wherein the user information comprises information that the user may wish to share with hosts of web sites that the user will visit;

the online service storing the user information received from the user computer;

the online service assigning a user code to a first portion of the user information;

the online service sending the user code to the user computer via the Internet to enable the user to provide the user code to the web site hosts;

the user providing the user code to a first web site host upon visiting a web site hosted by the first web site host;

the first web site host sending the user code received from the user to the online service;

the online service determining a level of access for which the first web site host is authorized from the user code; and

the online service sending to the first web site host user information that pertains to the user code.

36.   The method of claim 35, wherein the user providing the user code to a first web site host comprises automatically providing the user code to the 1st web site host when the user visits the web site hosted by the first web site host.

37.   The method of claim 36, wherein the user code is automatically appended to a uniform resource locator (URL) of the web site hosted by the first web site host.

38. The method of claim 35, wherein providing the user code to a first web site host comprises the user manually providing the user code to the 1st web site host with the web site hosted by the first web site host.

39. The method of claim 35 further comprising:

the online service assigning a second user code to a second portion of the user information;

the online service sending the second user code to the user computer via the Internet to enable the user to provide the second user code to the web site hosts;

the user providing the second user code to the first web site host upon deciding to purchase something from the first web site host;

the first web site host sending the second user code received from the user to the online service;

the online service determining a level of access for which the first web site host is authorized from the second user code; and

the online service sending to the first web site host user information that pertains to the second user code.

Evidence Appendix under 37 C.F.R. § 41.37(c)(1)(ix)

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

Related Proceedings Appendix under 37 C.F.R. § 41.37(c)(1)(x)

There are no related proceedings to be considered in this Appeal. Therefore, no such proceedings are identified in this Appendix.